

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

LEWIS PERRY,

)

Plaintiff

)

v.

)

No. 4:04-cv-72

BENICORP INSURANCE COMPANY, )

Defendant

)

**O R D E R**

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for filing, it is hereby ORDERED that defendant's motion to dismiss plaintiff's claim for failure to exhaust his administrative remedy [Court File #11] is GRANTED and this action DISMISSED.

**E N T E R :**

s/ James H. Jarvis

UNITED STATES DISTRICT JUDGE